

REMARKS

Amendments to claims 1, 22, 31, 40, 50, and 53 are for the purpose of clarifying what Applicant regards as the invention. No new matter has been added.

Claims 1, 22, and 31

Claims 1-3, 7-9, 12-14, 18, 20, 23-27, and 31-36 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent Application Publication No. 2003/0086596 (Hipp). Claim 1 has been amended to recite enhancing a feature of the input image *based on a motion* of a moving object, wherein the act of enhancing is performed such that an image of the moving object is enhanced relative to an image of a relatively stationary object *if the moving object moves relative to the stationary object*. (Emphasis Added) Claims 22 and 31 have been amended to recite similar limitations. Applicant respectfully submits that the amendments to claims 1, 22, and 31 render the § 102 rejection based on Hipp moot. Hipp discloses identifying a vertebrae, and then enhancing the edge of the identified vertebrae. Thus, in Hipp, the object (the vertebrae) is enhanced based on an identification of the object, and not based on a *motion* of the object. Also, in Hipp, because the vertebrae is always enhanced even when it is stationary, the vertebrae image is not enhanced *when it moves relative to a stationary object*. For at least the foregoing reasons, claims 1, 22, and 31, and their respective dependent claims, are believed allowable over Hipp.

Claims 40, 50, and 53

Claims 40, 43, 46, 49, 50, 53, and 56 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 6,075,557 (Holliman). Claim 40 has been amended to recite that the act of determining whether the object has moved comprises using a contrast associated with the first composite image. Claims 50 and 53 have been amended to recite similar limitations. Applicant respectfully submits that the amendments to claims 40, 50, and 53 render the § 102 rejection based on Holliman moot. In particular, there is nothing in Holliman that discloses or suggests using a contrast of a composite image to determine whether an object has moved. For at least the foregoing reason, claims 40, 50, and 53, and their respective dependent claims, are believed allowable over Holliman.

CONCLUSION


Based on the foregoing, all claims are believed in condition for allowance. If the Examiner has any questions or comments regarding this amendment, please contact the undersigned at the number listed below.

To the extent that any arguments and disclaimers were presented to distinguish prior art, or for other reasons substantially related to patentability, during the prosecution of any and all parent and related application(s)/patent(s), Applicant hereby explicitly retracts and rescinds any and all such arguments and disclaimers, and respectfully requests that the Examiner re-visit the prior art that such arguments and disclaimers were made to avoid.

The Commissioner is authorized to charge any fees due in connection with the filing of this document to Bingham McCutchen's Deposit Account No. 50-4047, referencing billing number **7031422002**. The Commissioner is authorized to credit any overpayment or to charge any underpayment to Bingham McCutchen's Deposit Account No. 50-4047, referencing billing number **7031422002**.

Respectfully submitted,

DATE: March 5, 2008

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